

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON and
CABELL COUNTY COMMISSION,

Plaintiffs,

VS.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

CIVIL ACTION NO. 3:17-01362

**NON-PARTY DISCOUNT EMPORIUM, INC.’S MOTION TO QUASH OR MODIFY
PLAINTIFFS’ TRIAL SUBPOENAS**

COMES NOW non-party Discount Emporium, Inc. d/b/a Drug Emporium (“Discount Emporium”) by its counsel, Lamp Bartram Levy Trautwein Perry & Powell, PLLC and Fox Rothschild LLP, and hereby files this Motion to Quash or Modify the Trial Subpoenas (together, the “Subpoenas”) of Plaintiffs the City of Huntington and Cabell County Commission (“Plaintiffs”).

The Subpoenas were served on two employees of Discount Emporium, and seek to compel the appearance of said employees at trial in the above captioned matter on May 3, 2021. Discount Emporium seeks to quash the Subpoenas, which were served on two employees of Discount Emporium to compel the appearance of said employees at trial in the above captioned matter on May 3, 2021. Discount Emporium seeks to quash the Subpoenas because they are overbroad and place an undue burden on non-party Discount Emporium. In the alternative, Discount Emporium

moves this Court to modify the Subpoenas to limit Discount Emporium's testimony to the authentication and admission of the data and documents identified in the Subpoenas.

Therefore, Discount Emporium respectfully requests that its Motion to Quash or Modify the Subpoenas be granted. A proposed Order is attached.

Respectfully submitted,

Dated: April 30, 2021

/s/ J. Jarrod Jordan

Matthew J. Perry, Esquire WWSB 8589

J. Jarrod Jordan, Esquire WWSB 10622

LAMP BARTRAM LEVY

TRAUTWEIN PERRY & POWELL, PLLC

Physical Address:

720 Fourth Avenue

Huntington, WV 25701

Mailing Address:

Post Office Box 2488

Huntington, WV 25725-2488

Phone: (304) 523-5400

Facsimile: (304) 523-5409

mperry@720legal.com

jjordan@720legal.com

and

Nicholas S. Salter, Esq.

FOX ROTHSCHILD LLP

2700 Kelly Road, Suite 300

Warrington, PA 18976

Tel: (215) 345-7500

Fax: (215) 345-7507

nsalter@foxrothschild.com

Attorneys for Discount Emporium, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in this matter.

Dated: April 30, 2021

/s/ J. Jarrod Jordan

Matthew J. Perry, Esquire WVSB 8589

J. Jarrod Jordan, Esquire WVSB 10622

LAMP BARTRAM LEVY

TRAUTWEIN PERRY & POWELL, PLLC

Physical Address:

720 Fourth Avenue

Huntington, WV 25701

Mailing Address:

Post Office Box 2488

Huntington, WV 25725-2488

Phone: (304) 523-5400

Facsimile: (304) 523-5409

mperry@720legal.com

jjordan@720legal.com